

Hon. Ricardo S. Martinez

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

HUSSAIN AL GAZAWI  
(Agency # A71-732-661),

Plaintiff-Petitioner,

v.

MICHAEL MUKASEY, Attorney General of the  
United States; et al.,

Defendants-Respondents.

No. C06-1696-RSM

JOINT STIPULATION AND  
CONSOLIDATION ORDER

*Clerk's Action Required*

**STIPULATION**

Plaintiff-Petitioner Hussain Al Gazawi filed the above-referenced action in 2006 pursuant to 8 U.S.C. § 1447(b), asking the Court to adjudicate his N-400 naturalization application, or to remand the matter to USCIS with instructions to the agency to adjudicate the application. On October 18, 2007, this Court granted the Government's Motion to Remand and ordered that the "case shall be remanded to USCIS to make a final adjudication on plaintiff's naturalization application no later than thirty (30) days from the state of this Order. The parties shall submit a joint status report to the Court updating the status of plaintiff's application once this time frame has elapsed." See Court Order of October 18, 2007, at Dkt. No. 20. USCIS subsequently denied the application. In a Joint Status Report filed on November 19, 2007 (Dkt. No. 21), the

1 parties explained to the Court as follows:

2 The Government contends that Mr. Al-Gazawi's application was  
 3 adjudicated by USCIS within 30 days of the Court's order, and that USCIS  
 4 has fully complied with the terms of the Order. Thus, the Government  
 5 believes that Mr. Al-Gazawi's claims are now moot and this action should  
 6 be dismissed. Mr. Al-Gazawi interprets the Court's Order differently, such  
 7 that USCIS should have adjudicated the application *and* completed the  
 8 administrative review process within thirty days to arrive at a final  
 9 adjudication that can be reviewed *de novo* by this Court.

10 Accordingly, the parties explained in their Joint Status Report that "Mr. Al-Gazawi plans  
 11 to soon file a motion asking the Court to review the N-400 application *de novo* as if the  
 12 appellate review process under Section 1447(a) and 8 C.F.R. § 336.2 had already been  
 13 concluded, or ask the Court to find the defendant USCIS Field Director in contempt of  
 14 the Order. The parties have agreed that any disagreement related to the meaning of the  
 15 Court's October 18 Order will be addressed in that motion." *See* Joint Status Report, at  
 16 Dkt. No. 21.

17 Thereafter, on December 4, 2007, Plaintiff filed an administrative appeal over the  
 18 decision, and an administrative hearing was held on June 9, 2008. On August 17, 2008,  
 19 Plaintiff filed a Motion for Contempt in this action with respect to the Court's Order of  
 20 October 18, 2007. The Motion for Contempt remains pending and is noted for  
 21 consideration on September 12, 2008.

22 Also in August of 2008, Plaintiff filed a second action under 8 U.S.C. § 1421(c),  
 23 seeking a judicial determination on his naturalization application. *See Mansha v.*  
 24 *Mukasey, et al.*, Case No. 08-1031-JLR. Plaintiff was one of six individuals in the  
 25 *Mansha* case seeking judicial review under 8 U.S.C. § 1421(c).

26 On August 27, 2008, at the request of the parties, Judge Robart dismissed four of  
 27 the *Mansha* plaintiffs and severed the claims of the two remaining plaintiffs into separate  
 28 actions. *See Mansha v. Mukasey, et al.*, Case No. 08-1031-JLR, at Dkt. No. 6. Plaintiff  
 Al Gazawi's claims are therefore proceeding under Case No. 08-1276-RSM, although  
 Judge Robart directed the parties "to file with Judge Martinez a stipulation and order to  
 consolidate C08-1276RSM [this action] with *Al Gazawi v. Mukasey*, C06-1696RSM

(W.D. Wash. Filed Nov. 22, 2006).” *Id.* Accordingly, the parties to the above-referenced action, through their undersigned counsel of record, hereby STIPULATE, AGREE, and JOINTLY REQUEST that this action be consolidated with *Al Gazawi v. Mukasey, et al.*, W. D. Wash. Case No. 08-1276-RSM.

Dated this 28th day of August, 2008.

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United States Attorney

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**ORDER**

The parties having so stipulated and agreed, it is hereby **SO ORDERED**. This action is hereby consolidated with *Al Gazawi v. Mukasey, et al.*, W. D. Wash. Case No. 08-1276-RSM under the above-referenced case number. The Clerk is directed to send copies of this Order to all counsel of record, and is directed to file this Order in Case No. C08-1276-RSM.

DATED this 2 day of September, 2008.



RICARDO S. MARTINEZ  
UNITED STATES DISTRICT JUDGE

Presented by:

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